

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

EAST COAST SHEET METAL  
FABRICATING CORP., D/B/A  
EASTCOAST CAD/CAM,

Plaintiff,

v.

AUTODESK, INC.,

Defendant.

Civil No. 1:12-cv-00517LM

**AUTODESK, INC.'S MOTION FOR SANCTIONS PURSUANT TO RULE 11**

Pursuant to Federal Rule of Civil Procedure 11, defendant Autodesk, Inc. (“Autodesk”) hereby moves for sanctions in connection with East Coast’s infringement claims regarding U.S. Patent Nos. 7,499,839, 7,917,340, and 8,335,667 as well as East Coast’s answer to Autodesk’s claims of inequitable conduct.

Specifically, Autodesk seeks a finding that East Coast violated Rule 11 in relation to two fundamental principles: patent claims cannot be read for infringement in a way that they would also encompass the prior art and a patentee cannot recapture claim scope relinquished during the patent procurement proceedings. Autodesk also requests the Court to direct payment of all Autodesk’s reasonable attorney fees and other expenses directly resulting from the violation.

The grounds for this motion are set forth in Autodesk’s contemporaneously filed opening brief and declaration in support of its motion, with exhibits. A proposed form of order is also contemporaneously filed.

**GOOD FAITH ATTEMPT TO OBTAIN CONCURRENCE**

Pursuant to Local Rule 7.1(c), Autodesk hereby certifies that it made a good faith attempt to obtain East Coast's concurrence to the relief sought by serving this motion and accompanying opening brief on East Coast. The required Federal Civil Procedure Rule 11 safe harbor opportunity was extended to East Coast in a May 12, 2014 letter, and East Coast has not taken safe harbor.

**ORAL ARGUMENT REQUESTED**

Pursuant to Local Rule 7.1(d), Autodesk hereby requests oral argument regarding this motion due to the significance of the issues raised.

Dated: June 9, 2014

Respectfully submitted,

/s/ Joel M. Freed

Richard C. Nelson, Esq. (NH Bar #1867)  
Damian R. LaPlaca, Esq. (*pro hac vice*)  
Robert F. Callahan, Jr., Esq. (NH #21167)  
Nelson Kinder + Mosseau PC  
99 Middle Street  
Manchester, NH 03101  
Telephone: (603) 647-1800

Donald J. Perreault, Esq. (NH Bar #12138)  
Grossman, Tucker, Perreault & Pflieger, PLLC  
55 S. Commercial Street  
Manchester, NH 03101  
Telephone: (603) 668-6560

Joel M. Freed, Esq. (*pro hac vice*)  
Alexander P. Ott (*pro hac vice*)  
McDermott Will & Emery LLP  
The McDermott Building  
500 North Capitol Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 756-8000

*Attorneys for Defendant Autodesk, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2014, I served all parties registered with ECF for this matter with a true copy of the foregoing Motion for Sanctions Pursuant to Rule 11 by virtue of transmitting the same to the Court via the ECF system:

/s/ Joel M. Freed